Fourth Review Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

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II.B. REVIEW OF THE OPERATION OF THE TREATY AND RECOMMENDATIONS

Articles I and II and preambular paragraphs 1 to 3
(Text to be added.)

Article III and preambular paragraphs 4 and 5

1. The Conference reaffirms the generally positive assessment of the Third Review Conference of the implementation of Article III, and notes that the recommendations of that Conference for the future implementation of that Article provided a helpful basis for States Parties to the Treaty and the IAEA to strengthen further the barriers to proliferation and provide assurance of compliance with non-proliferation undertakings.

2. The Conference affirms its determination to strengthen further the barriers against the proliferation of nuclear weapons and other nuclear explosive devices to additional States. The Non-Proliferation Treaty is vital to preventing the spread of nuclear weapons and in providing significant security benefits. The Parties remain convinced that universal adherence to the NPT and full compliance with its provisions is the best way to achieve this goal and they urge all States not party to the Treaty to accede to it and bring into force the required safeguards agreements. The non-proliferation and safeguards commitments in the Treaty are essential also for peaceful nuclear commerce and co-operation.

3. The Conference reaffirms the conviction that IAEA safeguards provide assurance that States are complying with their undertakings and assist States in demonstrating this compliance. IAEA safeguards thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security. Such safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices.

4. The Conference notes with satisfaction that since the last Review Conference, the IAEA has again, in carrying out its safeguards activities for the States Parties, not detected any diversion of a significant amount of safeguarded material to the production of nuclear weapons or other nuclear explosive devices or to purposes unknown. However, unsafeguarded nuclear

activities which could lead to the spread of nuclear weapons capability still pose serious proliferation dangers. The Conference reiterates the calls for the continued pursuit of the principle of universal application of IAEA safeguards to all peaceful nuclear activities in all States.

5. The Conference urges all States Parties to ensure that their exports to non-nuclear-weapon States not party to the Treaty do not assist any nuclear weapon programme.

6. The Conference notes that IAEA safeguards activities have not hampered the peaceful nuclear development of the Parties to the Treaty but have furthered international co-operation in the peaceful utilization of nuclear energy.

7. The Conference commends the IAEA on its implementation of safeguards pursuant to this Treaty. It welcomes the continued improvements in safeguards effectiveness and efficiency and urges that this process be maintained inter alia by utilizing new cost effective technologies and methodologies. It invites the IAEA to consider studying new safeguards approaches, including, for example, randomized inspections. It emphasizes the importance of maintaining a staff of the highest professional standard, with due regard to the call for an increase in the number of safeguards inspectors from developing countries, in order to have the widest geographical distribution possible.

8. The Conference calls upon States Parties to continue their political, technical and financial support of the IAEA safeguards system in order to ensure that the IAEA is able to meet its international legal obligations pursuant to safeguards agreements under the Treaty, and its increasing safeguards responsibilities. It requests the IAEA to continue to identify all resources needed for effective and efficient safeguards. It urges all States to ensure that the IAEA is provided with these resources through the important mechanism of continued assured regular budget financing to permit the IAEA to meet its commitments in this area, and welcomes efforts by members of the IAEA to find a lasting and equitable solution to the question of a safeguards financing formula.

9. The Conference welcomes the significant contributions made by the States Parties in facilitating and assisting the application of IAEA safeguards and in supporting research, development and other supports to further the application of effective and efficient safeguards. It urges that such co-operation and support be continued and that other States provide similar types of support.

10. The Conference notes the request of the Director General of the IAEA for States to facilitate the designation of inspectors and their entry into the States, in particular with regard to visa requirements, and appeals to States to respond as fully as possible so as to maximize the efficient use of Agency inspection resources.

11. The Conference calls on States to complete the negotiation of Subsidiary Arrangements with the IAEA.

12. The Conference calls upon all States to take IAEA safeguards requirements into account while planning, designing and constructing new nuclear facilities and while modifying existing ones.

13. The Conference recognizes the importance of State systems of accounting and control and of the Euratom system, and of co-operation between these systems and the IAEA, to the efficient and effective application of safeguards, and urges continued improvements in this area, including the provision of training in such systems, with the valuable assistance of IAEA and national programmes. It also notes in this regard the complementary and important role of national export and import control mechanisms.

14. The Conference welcomes the entry into force of the Convention on the Physical Protection of Nuclear Material which resulted from a recommendation of the first NPT Review Conference. The Conference notes that membership of the Convention has increased to 28. The Conference urges all States that have not done so to adhere to the Convention at the earliest possible date. In the general context of physical protection, particular attention must be paid to material of direct use, including separated plutonium.

15. Noting the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection, the Conference calls on the nuclear-weapon States to maintain the highest standards of security and physical protection of nuclear weapon systems and materials.

16. The Conference recognizes the non-proliferation benefits of the conversion of research reactors from high enriched uranium to low enriched uranium fuel and, when this is not feasible, of significant lowering of the level of enrichment. It welcomes the introduction of such conversions, where possible, and the continuing international co-operation in this field.

17. The Conference recognizes the particular requirements for safeguards of direct use nuclear material and notes IAEA projections that the use of separated plutonium for peaceful purposes is expected to increase in the 1990s. The Conference expressed satisfaction at the considerable work undertaken to ensure the continuing effectiveness of IAEA safeguards in relation to reprocessing and the storage and use of separated plutonium.

18. The Conference recognizes that there are items of equipment and materials, including tritium, not identified in NPT Article III.2 which are relevant to the proliferation of nuclear weapons and therefore to the NPT as a whole. Without prejudice to the existing principles guiding international co-operation in the peaceful uses of nuclear energy, especially Article IV of the NPT, the Conference in this regard calls for early consultations among States to ensure that their supply and export controls are appropriately co-ordinated.

19. The Conference recalls the recommendation at the Third Review Conference on the implementation of Article XII.A.5 of the Statute of the IAEA, and regrets that no progress has been made on this question. Bearing in mind projected developments in the peaceful nuclear fuel cycle and considering that as a result of disarmament measures enriched uranium or plutonium could be transferred from the military to the peaceful sector, the Conference recommends that the IAEA consider establishing arrangements as foreseen in its Statute for deposit with the Agency of any excess of plutonium and highly enriched uranium over what is needed, in order to prevent stockpiling of materials that could be diverted to direct use for nuclear weapons or other nuclear explosive devices. In this context, regional fuel cycle centres should also be considered further.

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21. The Conference notes with satisfaction that eight States have concluded safeguards agreements in compliance with Article III.4 of the Treaty since 1985. It expresses concern, however, that 51 States Parties to the Treaty have yet to conclude their agreements and urges that they do so and bring these agreements into force as soon as possible. It is its view that the Treaty requirement for the timely conclusion and entry into force of an NPT-type safeguards agreement is an unqualified obligation of States Parties and is particularly important in States whose nuclear activities make such safeguards applicable.

22. The Conference also recommends that the Director General of the IAEA as a matter of priority further facilitate the conclusion and entry into force of such agreements and that Parties to the Treaty, in particular the Depositary Parties, should actively support this activity. The Conference notes that in the case of States without significant nuclear activities, conclusion of safeguards agreements involves simplified procedures.

23. The Conference recognizes the value of the voluntary offer safeguards agreements of the five nuclear-weapon States in strengthening the non-proliferation régime, in increasing the authority of the IAEA and the effectiveness of its safeguards system, and in contributing to the goal of the universal application of IAEA safeguards to all peaceful nuclear activities in all States. In this regard the Conference welcomes the entry into force since the last Review Conference of such a voluntary offer agreement between China and the IAEA. The Conference notes that these agreements make peaceful nuclear materials and facilities eligible for IAEA safeguards, but that the military nuclear facilities and material in these States are outside the scope of these agreements.

24. Recognizing that some nuclear-weapon States have already made all their peaceful nuclear facilities eligible for safeguards under their voluntary offers, the Conference calls on all other nuclear-weapon States to do so. Within this framework the Conference calls for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States in the most economic and practical way possible, taking into account the availability of IAEA resources. As a first step of this wider application, the Conference invites the Agency to consider the implementation of a scheme under the nuclear-weapon States' agreements consisting of full reporting in combination, where appropriate, with verification based on randomization. The results should be used to improve further the efficiency and effectiveness of safeguards in all States. The Conference considers that the financing of the application of safeguards in nuclear-weapon States should be taken into account in the IAEA's examination of the financing of safeguards.

25. The Conference also calls for substantial progress towards the separation of the peaceful and military nuclear facilities in the nuclear-weapon States. It affirms the great value of commitments by the nuclear-weapon States that nuclear supplies for peaceful purposes will not be used for nuclear weapons or other nuclear explosive devices. The Conference expresses the opinion that these nuclear supplies for peaceful purposes should be subject to the safeguards agreements concluded between the nuclear-weapon States and the IAEA.

26. The Conference urges the nuclear-weapon States to offer for verification any nuclear materials and nuclear installations that may be transferred from military use to peaceful nuclear activities by submitting them to IAEA safeguards under their voluntary offer safeguards agreements with the IAEA.

27. The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to co-ordinate their implementation of Article III.2. To this end these States have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not Party to the Treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear co-operation with non-nuclear-weapon States not Party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States Parties to consider further ways to improve the measures to prevent diversion of nuclear technology for nuclear weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation régime, the Conference also notes that items included in the "trigger list" are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by States Parties for the development of nuclear energy for peaceful uses.

28. The Conference recognizes that, in the event of questions arising about the commitment to the non-proliferation objectives of the Treaty of any State Party, and in particular about the safeguards coverage of its source or special fissionable materials, there are several courses of action open to the Agency. In such circumstances appropriate steps need to be taken by the Agency and by that State Party, in accordance with the Treaty and the safeguards agreement between them, to help restore confidence. The Conference therefore urges the Agency not to hesitate to take full advantage of its rights, including the use of special inspections as outlined in paragraphs 73 and 77 of INFCIRC/153. The Conference notes that as yet no experience exists of such special inspections, and would welcome a study by the Agency of the possible scope, application and procedures of such inspections, including their implications for the information requirements and policy of the Agency.

29. The Conference, recognizing the importance of measures serving to maintain and strengthen confidence in the safeguards system of the IAEA, recommends to the IAEA to improve upon the transparency of presentation of the results of its safeguards activities so that information on these results can be made available to the public in order to prevent possible misinformation and misunderstanding.

Article IV and preambular paragraphs 6 and 7

1. The Conference affirms that the Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence within which those uses can take place.

2. The Conference reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty. In this connection the Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies.

3. The Conference also reaffirms the undertaking by all Parties to the Treaty to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material, services and scientific and technological information for the peaceful uses of nuclear energy. In this context, the Conference recognizes the contribution that this can make to progress in general and to the elimination of technological gaps between the developed and developing countries.

4. The Conference reaffirms the undertaking of the Parties to the Treaty in a position to do so to co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear weapon States (NNWS) Party to the Treaty, with due consideration for the needs of the developing areas of the world. In this context, the Conference recognizes the particular needs of the least developed countries. In this respect, the Conference expresses its strong support for the IAEA programmes in the peaceful uses of nuclear energy and considers that these programmes need to be further strengthened.

5. The Conference urges that, in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment be given to the NNWS Parties to the Treaty which have concluded the required safeguards agreement with IAEA, taking the needs of developing countries particularly into account.

6. The Conference recognizes the need for more predictable long-term supply assurance with effective assurances of non-proliferation. The Conference notes the measures which the IAEA's Committee on Assurances of Supply (CAS) has recommended to the IAEA Board of Governors for alleviating problems in international shipments of nuclear items, emergency and back-up mechanisms, and mechanisms for the revision of international nuclear co-operation agreements. The Conference further notes the surveys which CAS has initiated on the current supply situation on the international nuclear markets as a very useful source of information. The Conference notes that CAS was not able to reach agreement on a set of universally acceptable principles for international co-operation in the peaceful uses of nuclear energy and on appropriate ways and means for the promotion of such co-operation in accordance with mutually acceptable considerations of non-proliferation, as was also recognized by the United Nations General Assembly in its resolution 32/50. The Conference recommends that continuing efforts be made to reach agreement on those principles and calls for a resumption, when appropriate, of formal discussions in CAS.

7. The Conference reaffirms that in accordance with international law and applicable treaty obligations, States should fulfil their obligations under agreements in the nuclear field, and any modification of such agreements, if required, should be made only by mutual consent of the parties concerned. Related licences and authorization involved should be issued in a timely fashion.

8. The Conference commends the study by a Senior Expert Group sponsored by the IAEA entitled "Promotion and Financing of Nuclear Power Programmes in Developing Countries", and recommends that relevant Parties consider the recommendations of the Expert Group with respect to the four components identified by that study (Energy and Nuclear Power Planning, Public Acceptance, Project Preparation and Implementation, and Nuclear Power Financing). This report presents an examination of the existing constraints, including financing, on nuclear power development in developing countries, the requirements to be met for successful introduction of a nuclear power programme, and mechanisms to assist developing countries in overcoming the identified constraints.

9. The Conference calls upon all States Parties in a position to do so to fully co-operate with the developing States Party to the Treaty in the area of promotion and financing of nuclear power.

10. The Conference notes that the IAEA plays an important role in assisting developing States in the development of nuclear power and encourages the IAEA to continue to include the four components identified in the study in its programme of work. It also recommends that IAEA continue to provide, upon request, assistance in securing financing from outside sources, such as, the World Bank and UNDP, for nuclear power projects in developing countries, and, in particular, the least developed countries.

11. The Conference recommends that export credit agencies supported by Governments of exporting States and multilateral credit institutions, if requested, evaluate nuclear power as one option when assessing a borrowing country's electric power programme.

12. The Conference also underlines the fundamental importance of ensuring the highest standards of safety in the peaceful uses of nuclear energy. The Conference urges that nuclear co-operation under the NPT give increased attention to nuclear safety and radiological protection. It notes with the greatest regret the tragic accident that took place at Chernobyl, in April 1986. It expresses its fullest sympathy for those affected by the accident which caused considerable damage to life and property within the USSR and which affected other countries. The Conference commends the role of the Agency following the accident. It welcomes the comprehensive report and discussion of the accident during the international Post-Accident Review Meeting held at the IAEA's Headquarters in Vienna from 25-29 August 1986. The Conference also welcomes the international co-operation undertaken to study the effects of radioactive contamination with a view to limiting the consequences of that accident as far as possible.

13. The Conference welcomes the intensification of international co-operation in order to strengthen nuclear safety and radiological protection that has taken place since the Chernobyl accident, mainly under the auspices of IAEA. The Conference commends the entry into force in 1986 of the Convention on Early Notification of a Nuclear Accident and of the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency. The Conference urges all States which have not yet done so to sign and ratify these Conventions.

14. The Conference affirms that the NPT can help to ensure that international co-operation in nuclear safety will take place in an appropriate

non-proliferation framework. The Conference acknowledges the primary responsibility of individual States for the safety of nuclear installations within their territories, or under their jurisdiction, and the crucial importance of an adequate national infrastructure in nuclear safety, radiological protection and waste management for the peaceful application of nuclear energy. At the same time, the Conference recognizes that the maintenance of the highest possible standards of nuclear safety and radiological protection constitutes an interest of all States, and that international co-operation is important in assisting individual nations to establish the necessary policies and regulatory arrangements to support the safe use of nuclear energy for peaceful purposes.

15. The Conference considers nuclear safety an important responsibility of both supplier and recipient States. It also considers that, in view of advances in nuclear safety, all States Party to the Treaty are expected to co-operate with each other in providing technical information and support relevant to safety matters during the lifetime of a nuclear facility.

16. The Conference commends the efforts of the IAEA in the areas of nuclear safety, radiological protection and waste management, and supports the maintenance of a continued high professional standard for the IAEA programme in these areas. It calls on the IAEA to consider further ways of enhancing international co-operation in these same areas, in order to promote universal implementation of the highest standards. It welcomes the fact that the Agency intends to hold an expert conference on nuclear safety matters in 1991.

17. The Conference emphasizes the importance of the expert missions sent by the IAEA on request of Member States in order to assist the national authorities on problems in these areas, as well as of the Incident Reporting System (IRS) and the International Nuclear Safety Advisory Group (INSAG). It urges all States to contribute to and make full use of these programmes.

18. The Conference encourages all States Parties to fully consider improved internationally recognized guidelines in the implementation of their own national standards for the siting, design, construction and operation of nuclear facilities and for all aspects of management and disposal of radioactive wastes including international transfers. In view of the increasing importance of all aspects of nuclear waste management, the Conference calls upon the IAEA to strengthen its efforts in this field.

19. The Conference calls on the nuclear industry to carry out its activities with the highest levels of nuclear safety. It encourages the development of industry organizations to promote safety such as the recently created World Association of Nuclear Operators (WANO).

20. The Conference commends the efforts of the IAEA to enhance public understanding on all aspects of the peaceful use of nuclear energy, in particular, on nuclear safety, radiological protection and waste management.

21. The Conference recognizes the importance of suitable arrangements providing adequate and timely compensation in case of liability for damage arising from nuclear or radiological accidents. The Conference commends the IAEA and the Nuclear Energy Agency of the OECD for their efforts to assist in further improvement in the international régime for liability in case of nuclear damage, in particular for their role in the conclusion of a joint

protocol in September 1988 establishing a link between the Vienna and Paris Conventions on International Civil Liability. The Conference encourages the IAEA to continue its work through its Standing Committee on International Liability for Nuclear Damage to achieve early agreement on the liability issues submitted to it.

22. The Conference acknowledges the importance of the work of the IAEA as the principal agent for technology transfer amongst the international organizations referred to in Article IV.2 and welcomes the successful operation of the Agency's technical assistance and co-operation programmes. The Conference records with appreciation that projects supported from these programmes covered a wide spectrum of applications, related both to the power and non-power uses of nuclear energy, notably in agriculture and food preservation, medicine, industry and hydrology, and encourages the Agency to seek additional funds for the power and non-power sectors. Furthermore, the Conference acknowledges with appreciation the successful scientific co-operation either carried out by the IAEA itself or in collaboration with other agencies in the United Nations system. The Conference welcomes the Agency's assistance to the developing States Party to the Treaty which has been chiefly in the non-power uses of nuclear energy and calls upon the Agency to strengthen its assistance in the power sector.

23. The Conference welcomes the continued growth of the IAEA Technical Assistance and Co-operation Fund for the implementation of its programme of technical assistance and co-operation. The Conference reiterates the importance of the IAEA General Conference resolution GC(XXV)/RES/388, which requests the IAEA Board of Governors to take the necessary measures so that technical assistance is funded through the Regular Budget of the Agency or through other comparably predictable and assured resources, as well as to take appropriate steps so that technical assistance funds are increased in order to respond adequately to meet increasing financial requirements for the maximum possible number of technically sound projects and to enable progress in technical assistance to keep pace with the progress in other main activities of the Agency.

24. The Conference welcomes the existence, following a recommendation of the First Review Conference of the Parties to the Treaty, of a mechanism which permits the channelling of extra-budgetary funds to projects additional to those financed from the IAEA Technical Assistance and Co-operation Fund. The Conference notes with appreciation that this channel has been used to make additional resources available for a wide variety of projects in developing States Party to the Treaty. The Conference welcomes the development of multi-year, multi-donor projects financed by extra-budgetary contributions to the IAEA as requested by the last Review Conference.

25. The Conference underlines the need to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the area of technical assistance and co-operation.

26. The Conference encourages greater support for regional co-operative arrangements, promoting regionally agreed projects and mobilizing inputs from countries in the region. It notes the continuing contribution of the Regional Co-operation Agreement for Asia and the Pacific (RCA), and welcomes the establishment since the last Review Conference of the Regional Co-operation

Agreement for Latin America (ARCAL) and the African Regional Agreement (AFRA). These arrangements provide a valuable framework for regional development activities.

27. The Conference notes the significant level of bilateral co-operation between States Parties in the peaceful uses of nuclear energy, and urges that States in a position to do so should continue and where possible increase the level of their co-operation in these fields, particularly to developing countries Party to the Treaty. It also notes the reports that some States Parties have provided on their bilateral nuclear co-operation activities in support of Article IV and calls on parties, as appropriate, to report on this matter at the next conference to be held in 1995 in accordance with paragraph ... . The Conference calls upon all Parties to the Treaty to look for ways to remove the constraints where they exist on enhancement of bilateral co-operation in the peaceful uses of nuclear energy.

28. The Conference notes the special needs of the least developed countries Party to the Treaty should be recognized in bilateral and multilateral nuclear technical assistance and co-operation programmes. It further notes that the IAEA has been giving particular attention to the areas where it can most effectively provide assistance to least developed countries. It recommends that the Agency intensify its efforts to identify suitable approaches for providing further assistance to such countries particularly in the area of pre-project planning.

29. The Conference notes that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy (UNCPICPUNE) provided for a comprehensive exchange of views of the question of international co-operation in the peaceful uses of nuclear energy in Geneva in 1987. The Conference notes that UNCPICPUNE was unable to reach an agreement on principles universally acceptable for international co-operation in the peaceful uses of nuclear energy and on appropriate ways and means for the promotion of such co-operation, as envisaged in the United Nations General Assembly resolution 32/50, and in accordance with mutually acceptable considerations of non-proliferation. The Conference notes that the technical papers of UNCPICPUNE issued by the United Nations could be utilized by Governments in planning national programmes for development, use and safety of nuclear energy for peaceful purposes. The Conference also notes that UNCPICPUNE recognized the IAEA's key role in furthering international co-operation in the peaceful uses of nuclear energy and the development of such national programmes for economic and social development, especially in the developing countries.

30. The Conference recognizes the importance of the report by the World Commission on Environment and Development and the Environmental Perspective to the Year 2000 and Beyond and their endorsement in resolutions 42/186 and 42/187 of the United Nations General Assembly. The Conference notes that, in response to the call by the General Assembly in those resolutions, the IAEA has reported on its contribution to achieving the objectives of environmentally sound and sustainable development, in particular, in furthering the peaceful uses of nuclear energy with due consideration for health and environment. The Conference further notes that the IAEA would regularly report to the United Nations General Assembly on progress it has made in that field.

31. The Conference considers that attacks or threats of attack on nuclear facilities devoted to peaceful purposes could jeopardize the development of nuclear energy. It further considers that the safeguards system of the IAEA is a reliable means of verifying the peaceful uses of nuclear energy.

32. The Conference recognizes that an armed attack on a safeguarded nuclear facility, operational or under construction, or threat of attack, would create a situation in which the Security Council would have to act immediately in accordance with the provisions of the United Nations Charter. The Conference further emphasizes the responsibilities of the depositaries of the Treaty in their capacity as permanent members of the Security Council to endeavour, in consultation with the other members of the Security Council, to give full consideration to all appropriate measures to be undertaken by the Security Council to deal with the situation, including measures under Chapter VII of the United Nations Charter.

33. The Conference encourages Parties to be ready to provide immediate peaceful assistance in accordance with international law to any Party to the Treaty, if it so requests, whose safeguarded nuclear facilities have been subject to an armed attack, and calls upon all States to abide by any decisions taken by the Security Council in accordance with the United Nations Charter in relation to the attacking State.

34. The Conference takes note of IAEA resolution GC(XXIX)/444. It also notes IAEA resolution GC(XXXI)/475, in which the General Conference states, inter alia, that it was:

- aware of the fact that an armed attack on a nuclear installation could result in radioactive releases with grave consequences within and beyond the boundaries of the State which has been attacked;

- convinced of the need to prohibit armed attacks on nuclear installations from which such releases could occur and of the urgency of concluding an international agreement in this regard;

- aware of the ongoing work of the Conference on Disarmament in this regard.

35. The Conference, recognizing that attacks on nuclear facilities could result in large releases of radioactivity with potentially grave consequences, appeals to States that participate in the Conference on Disarmament to overcome their differences and urges the co-operation of all States for the successful resolution of this issue in the near future.

36. The Conference notes calls on all States to become a party to the 1977 First Additional Protocol to the 1949 Geneva Convention, and on all States Party to that Protocol to consider, in the context of a possible diplomatic conference, how to improve the present régime with regard to the protection of nuclear facilities.

37. The Conference notes that States, in their mutual interest, have adopted confidence-building measures, in a bilateral or regional framework, designed to promote the aim of protecting nuclear facilities. By taking into account specific characteristics of each region, such measures were deemed useful by the participating States. The Conference recognizes that other States may adopt similar measures, where appropriate.

38. The Conference appeals to all States to take into account, when reviewing their military doctrines, the danger of radioactive releases potentially resulting from an attack on a nuclear facility.

39. The Conference notes that the unsafeguarded nuclear programmes of non-nuclear-weapon States not party to the NPT in particular South Africa and Israel represent a threat to the peaceful uses of nuclear energy under article IV. The Conference affirms its desire to see such nuclear programmes directed to peaceful purposes in conformity with article IV by the adherence of these States to the NPT and their acceptance of full scope IAEA safeguards. The Conference notes the demands made on all States to suspend any co-operation which would contribute to the nuclear programme of South Africa and Israel.

Article V

1. The Conference confirms that, if the potential for the safe and peaceful application of nuclear explosions were demonstrated and were made available to non-nuclear weapon States Party to the Treaty in accordance with article V, the IAEA would be the appropriate international body through which such applications could be made available.

2. The Conference notes that the potential for the peaceful applications of nuclear explosions has not been sufficiently demonstrated and that no requests for services related to the peaceful applications of nuclear explosions have been received by the IAEA since the Treaty entered into force. The Conference further notes that no nuclear-weapon State has an active programme for the peaceful application of nuclear explosions.

Article VI and preambular paragraphs 8-12

(Text to be added.)

Article VII

1. The Conference recognizes the growing interest in utilizing the provisions of Article VII of the Non-Proliferation Treaty, which affirms the right of any group of States to conclude regional treaties in order to assure the absence of nuclear weapons in their respective territories.

2. The Conference reaffirms that the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned constitutes an important disarmament measure and therefore the process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account.

3. The Conference emphasizes the importance of concluding nuclear-weapon-free zone arrangements in harmony with internationally recognized principles, as stated in the Final Document of the First Special Session of the United Nations devoted to disarmament.

4. The Conference holds the view that, under appropriate conditions, progress towards the establishment of nuclear-weapon-free zones will create conditions more conducive to the establishment of zones of peace in certain regions of the world.

5. The Conference expresses its belief that concrete measures of nuclear disarmament constitute inter alia a significant contribution to creating favourable conditions for the establishment of nuclear-weapon-free zones.

6. The Conference takes note of the existing proposals and the ongoing regional efforts to achieve nuclear-weapon-free zones in different areas of the world.

7. The Conference recognizes that for the maximum effectiveness of any treaty arrangements for establishing a nuclear-weapon-free zone, the co-operation of the nuclear-weapon States is necessary. In this connection and taking into account the latest international political developments which are more conducive than in the past for the establishment of nuclear-weapon-free zones in certain regions of the world, nuclear-weapon States are invited to assist the efforts of States to create nuclear-weapon-free zones, and to enter into binding undertakings to respect strictly the status of such a zone and to refrain from the use or threat of use of nuclear weapons against the States of the zone.

8. The Conference also notes the continued existence of the Antarctic Treaty.

9. (Text to be added.)

10. The Conference notes that the South Pacific Nuclear Free Zone Treaty (also known as the Treaty of Rarotonga) entered into force on 11 December 1986 following deposit of the eighth instrument of ratification. The Conference also notes with satisfaction that 11 members of the South Pacific Forum have now ratified the South Pacific Nuclear Free Zone Treaty and that the Treaty has been commended by a resolution of the United Nations General Assembly at its forty-fourth session.

11. The Conference further notes that China and the Union of Soviet Socialist Republics have adhered to the two Protocols of the Treaty of Rarotonga open to them, Protocols 2 and 3. The United States has stated that none of its practices and activities within the Treaty area are inconsistent with the Treaty and its Protocols. The United Kingdom has announced that it would respect the intentions of States of that region on Protocols 1 and 3. France, which continues to test nuclear weapons in the region, has formally decided not to adhere to the Protocols.

12. (Text to be added.)

13. The Conference welcomes the consensus reached by the United Nations General Assembly at its forty-forth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security, and urges all parties directly concerned to consider seriously taking the political and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East.

14. The Conference also invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to the letter and spirit of United Nations General Assembly resolution 39/54.

15. The Conference welcomes the initiative by Egypt to establish a zone free from all weapons of mass destruction in the Middle East, of which a nuclear-weapon-free zone in that region would be one component, as an important contribution aimed at consolidating regional as well as international peace and security. Nuclear-weapon States and all other States are requested to support the establishment of such a zone.

16. (Text to be added.)

17. The Conference takes note that at their summit meeting in December 1987 in Manila, the ASEAN States emphasized inter alia that ASEAN should intensify its efforts toward the early establishment of a South East Asian Nuclear Weapon Free Zone, including the continuation of the consideration of all aspects relating to the establishment of the zone and of an appropriate instrument to establish it. Talks among the members of ASEAN have been initiated to realize this aim.

18. The Conference takes note that the idea of establishing a nuclear-weapon-free zone in South East Asia has been endorsed by other South East Asian countries.

19. The Conference notes the proposal by the Democratic People's Republic of Korea for a nuclear-weapon-free zone on the Korean peninsula. The Conference also notes that the Republic of Korea and other States oppose the proposal in view of the general criteria for the establishment of nuclear-weapon-free zones mentioned above.

Security Assurances

1. The Conference considers that the most effective guarantee against the possible use of nuclear weapons and the danger of nuclear war is nuclear disarmament and the complete elimination of nuclear weapons. Pending the achievement of this goal on a universal basis and recognizing the need for all States to ensure their independence, territorial integrity and sovereignty, the Conference reaffirms the particular importance of assuring and strengthening the security of non-nuclear-weapon States Parties which by adhering to the Treaty renounced the acquisition of nuclear weapons. In this context, the Conference recognizes that different approaches may be required to strengthen the security of non-nuclear-weapon States Parties to the Treaty.

2. The Conference underlines again the importance of adherence to the Treaty by non-nuclear-weapon States as the best means of reassuring one another of their renunciation of nuclear weapons and as one of the effective means of strengthening their mutual security.

3. The Conference takes note of the intention expressed by the Depositary States in 1968, which was welcomed by the United Nations Security Council in resolution 255 (1968), that they would, in accordance with the Charter, assist any non-nuclear-weapon State Party to the Treaty that was a victim of an act

or an object of a threat of aggression in which nuclear weapons are used, and welcomes the continued determination of the Depositary States to honour their statements in this regard.

[4. The Conference invites the United Nations Security Council to adopt a new resolution on security assurances which would strengthen and enhance the effectiveness of Security Council resolution 255 (1968). In this context, the Conference notes the proposal presented in NPT/CONF.IV/31, (see also text attached as Appendix A) that such a resolution should reflect the collective commitment and resolve of the Security Council to deter nuclear aggression and to decide immediately upon measures required with respect to a threat or use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty in accordance with provisions of Chapter VII of the United Nations Charter.]

5. The Conference reiterates its conviction that, in the interest of promoting the objectives of the Treaty, including the strengthening of the security of non-nuclear-weapon States, all States, both nuclear-weapon and non-nuclear-weapon States, should refrain, in accordance with the Charter of the United Nations, from the threat or the use of force in relations between States, involving either nuclear or non-nuclear weapons.

6. The Conference recalls that the Tenth Special Session of the General Assembly in paragraph 59 of the Final Document took note of the declarations made by the nuclear-weapon States regarding the assurance of non-nuclear-weapon States against the use or threat of use of nuclear weapons and urged them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (the relevant unilateral declarations of all nuclear-weapon States are attached to this Final Declaration).

7. The Conference recognizes the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States Parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States Parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon-States, including those which are not Parties to the Treaty, in such an instrument would contribute to ensuring its maximum effectiveness.

8. The Conference believes that appropriate measures may also be needed to provide protection for non-nuclear-weapon States Parties to the Treaty from nuclear threats that emanate from the ambiguous policy of certain States non-Parties to the Treaty, which possess significant unsafeguarded nuclear facilities and might have acquired nuclear weapon capability.

9. The Conference holds the view that one of the effective means to assure non-nuclear-weapon States in a legally binding form against the use or threat of use of nuclear weapons is through the establishment of nuclear-weapon-free zones, as described in paragraphs [1-7 of Section B of NPT/CONF.IV/MC.II/1 regarding nuclear-weapon-free zones].

10. The Conference notes that consultations and negotiations on effective international arrangements to assure non-nuclear-weapon States against the use

or threat of use of nuclear weapons, have been under way in the Conference on Disarmament for over a decade. The Conference expresses its dissatisfaction that despite its call at the Third NPT Review Conference, the search for a common approach which could be included in an international legally binding instrument, continues to be unsuccessful. The Conference takes note of the expressed intention of the Conference on Disarmament to continue to pursue ways and means of overcoming the difficulties encountered in its work on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

11. The Conference observes that significant changes in international relations have taken place and a process of gradual transformation of military structures and nuclear strategies of nuclear-weapon States and the respective military alliances is under way. The Conference hopes that these positive developments, which are creating a new political and strategic environment, could facilitate the search for ways and means to overcome the difficulties related to differing perceptions of security interests encountered at the negotiations on the issue of security assurances to non-nuclear-weapon States.

12. The Conference considered within a special subsidiary body established at the Conference the agreement proposed in NPT/CONF.IV/17 on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (the text of which is attached as Appendix B) and the procedure for further action on that agreement.

13. (Text to be added.)

Note: One delegation proposed re-ordering of the paragraphs of this report, as follows: 1, 2, 3, 4, 7, 8, 12, 13, 5, 6, 9, 10 and 11.

Appendix A

PROPOSED LANGUAGE IN THE FINAL DOCUMENT ON SECURITY ASSURANCES

Working paper submitted by Egypt

The Conference recommends that the United Nations Security Council adopt a new resolution on Security assurances to build up and enhance the effectiveness of Security Council resolution 255 of 1968.

The proposed Security Council resolution should reflect the collective commitment and resolve of the Security Council to deter nuclear aggression and to decide immediately upon measures required with respect to a threat or use of nuclear weapons against any non-nuclear weapon State party to the NPT in accordance with the provisions of Chapter Seven of the United Nations Charter. These measures should contain the following elements:

1. A more comprehensive definition of assistance so as to incorporate technical, financial as well as humanitarian assistance.

2. The imposition of sanctions against any State, party or non-party to the Treaty which uses nuclear weapons against a non-nuclear-weapon State party to the Treaty.

Such a new Security Council resolution would be a very important element in extending and bolstering the non-proliferation régime beyond 1995.

Appendix B

CONSIDERATION OF PROPOSED AGREEMENT ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (PROPOSAL BY NIGERIA)

Letter dated 7 May 1990 from the Permanent Representative of Nigeria to the United Nations Office at Geneva addressed to the Chairman of the third session of the Preparatory Committee

You will recall that during the third session of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Committee agreed, by consensus, to include Nigeria's proposed agreement on security assurances in the agenda of the Review Conference for consideration. Agreement was also reached that the proposal, which will appear in the agenda as item 13 B 3, under the title "Consideration of proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons - (Proposal by Nigeria)", will be considered in a sub-committee, to be set up under Main Committee I.

In consideration of the foregoing, I have the honour to forward herewith, the text of a memorandum prepared by Nigeria for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. I would appreciate it if the text of the memorandum could be issued and circulated as an official document of the Review Conference.

(Signed) Emeka Ayo Azikiwe
Ambassador
Permanent Representative

MEMORANDUM BY NIGERIA

INTRODUCTION

1. During the first session of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in New York in May 1989, Nigeria indicated that it would propose measures to ensure the security of non-nuclear-weapon States Parties to the NPT during the Fourth Review Conference of the Parties to the Treaty. On 2 November 1989, the Government of Nigeria submitted a draft agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the NPT, to the three depositary Governments. The depositary Powers were requested to circulate the text to all the NPT States Parties and to arrange to convene a Conference for the consideration of the proposal, preferably during the forthcoming Review Conference next August.

2. The text of the proposal, which is attached to the present document, has already been circulated among all States Parties by the depositary Governments. The proposal was also circulated in the Conference on Disarmament as an official document of that Conference. Furthermore, the Government of Nigeria has made some bilateral contacts with States parties on the initiative, which have, so far, been receiving very encouraging responses.

II. BACKGROUND

3. The concept of security assurances to the non-nuclear-weapon States Parties to the NPT is not new. It was born in the mid-1960s as a result of ever-growing concern, particularly among the many States not possessing nuclear weapons or belonging to military alliances which possess them, over the lack of progress in nuclear disarmament and the continuance of the nuclear arms race at an accelerated pace. The concept is linked with the NPT, since it was during its negotiation that a formal call was made by the non-nuclear-weapon States, for credible and reliable assurances against the use or threat of use of nuclear weapons.

4. During that negotiation, the non-aligned and neutral countries in the Eighteen-Nation Disarmament Committee - including Nigeria - had called for an acceptable balance of mutual responsibilities and obligations of nuclear and non-nuclear-weapon States in accordance with the terms of General Assembly resolution 2028 (XX). They proposed that a non-proliferation treaty should impose an obligation on the non-nuclear-weapon States to refrain from the acquisition of nuclear weapons and in order to ensure the desired balance of mutual obligations and responsibilities, the following measures were proposed for possible incorporation in the treaty - a comprehensive nuclear test ban, a freeze on and a gradual reduction of nuclear weapon stocks and means of delivery, a ban on the use of nuclear weapons and security assurances to non-nuclear-weapon States.

5. It was then contended that the NPT should not be made dependent on the implementation of other disarmament measures. However, on the question of negative security assurances, one of the nuclear-weapon States declared its willingness to include in the draft treaty, a clause prohibiting the use of nuclear weapons against non-nuclear-weapon States which were parties to the Treaty and which had no nuclear weapons stationed on their territories.

Another nuclear-weapon State stated that, nations which did not seek to acquire nuclear weapons would receive its strong support against "threats of nuclear blackmail". The non-aligned and neutral members of the Eighteen-Nation Disarmament Committee had expressed concern that the relinquishing of the nuclear option should not place them at permanent military disadvantage and make them vulnerable to nuclear intimidation. They, therefore, sought categorical assurances that nuclear weapons would not be used against them nor would they be subjected to nuclear blackmail.

6. On 24 August 1967, when the United States and the Soviet Union submitted separate but identical texts of a draft treaty to the Disarmament Committee, there were provisions to ensure the security of non-nuclear-weapon States. Alternatively, the United States, the USSR and the United Kingdom of Great Britain and Northern Ireland proposed that security assurances be provided to non-nuclear-weapon States in the form of a Security Council resolution, supported by a declaration of the three Powers. Accordingly, following the adoption of the NPT by the General Assembly, the Soviet Union, the United States and the United Kingdom sponsored a draft resolution on security assurances as a matter outside but closely connected with the Treaty. It was adopted by the Council on 19 June 1968 as resolution 255 (1968). By that resolution, the Security Council recognized that aggression with nuclear weapons, or the threat thereof, against a non-nuclear-weapon State would create a situation in which the Security Council above all, its nuclear-weapon States permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter. Thereafter. the three nuclear-weapon States made declarations which warned that any State which committed or threatened aggression using nuclear weapons must be countered effectively by measures to be taken in accordance with the Charter to suppress aggression or remove the threat of it. They also affirmed their intention to seek immediate action by the Council in accordance with the Charter should it be required.

7. The assurances provided through Security Council resolution 255 (1968) and the attached declarations made by the United States of America, the USSR and the United Kingdom of Great Britain and Northern Ireland, were positive security assurances, which envisage assistance only after actual use of nuclear weapons, or the threat thereof, must have occurred. The positive security assurances were therefore considered inadequate:

(a) First, the Security Council resolution did not define the nature of the action that would be taken against a delinquent State;

(b) Secondly, the Security Council resolution and the declarations made by the three Powers merely reaffirmed the existing Charter obligations to provide assistance or support to a country attacked, irrespective of the type of weapons employed;

(c) Thirdly, positive guarantees are incompatible with the non-aligned and neutral status of some non-nuclear-weapon States;

(d) Fourthly, nuclear threat can come only from a nuclear-weapon State. Since all five nuclear-weapon States were permanent members of the Security Council with the right of veto, any decision concerning military or non-military action against a delinquent State would be impossible since it is unlikely that an aggressor would consent to a collective action to be taken against itself.

8. In view of the foregoing, the non-nuclear-weapon States intensified their demand for negative security assurances, under which the nuclear-weapon States Parties would undertake, in a legally binding manner, not to use or threaten to use nuclear weapons against non-nuclear-weapon States Parties.

9. Although a Conference of Non-Nuclear-Weapon States was held at Geneva in 1968 shortly after the adoption of the NPT to consider the issue, among others, consensus was not reached in favour of demanding negative security assurances as a condition for adherence to the NPT.

10. Since then the issue has continued to be discussed at various disarmament forums without any agreement reached, while the nuclear weapons in the arsenals of the nuclear-weapon States have multiplied several times over.

11. During the first special session of the General Assembly devoted to disarmament, held in New York in May-June 1978, the five nuclear-weapon States individually made specific unilateral declarations on security assurances. These declarations made by both Parties and non-Parties of the NPT fell short of the legally binding negative security assurances required by the non-nuclear-weapon States Parties, particularly from the nuclear-weapon States Parties.

12. In the Final Document of the Tenth Special Session of the General Assembly itself (see General Assembly resolution S-10/2), the nuclear-weapon States were all called upon "to take urgent measures to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons". Following this, an item entitled "Conclusion of effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was included in the agenda of the Conference on Disarmament from 1979 and two draft Conventions on the subject were submitted, one by the Soviet Union, a nuclear-weapon State Party; and the other by Pakistan, not a Party to the NPT. From this point on, consideration of the item at the Conference on Disarmament showed that the question of negative security assurances, which had commenced as a legitimate demand, especially by the non-aligned and neutral non-nuclear-weapon States (which had renounced the nuclear option in a legally binding manner under the NPT), in the course of time had increasingly turned into an East-West affair, to the extent that the nuclear-weapon States exclusively preoccupied themselves with their own security concerns and focus instead of the interest of non-nuclear-weapon States. On the other hand, the equal status given to both non-nuclear-weapon States Parties to the NPT and non-Parties on the question, endangers the NPT itself.

13. It is in view of the foregoing that Nigeria formally submitted its proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the NPT for inclusion in the agenda to be proposed to the Fourth Review Conference of the Parties to the NPT.

14. It is Nigeria's view that the appropriate venue to consider the proposed agreement on security of non-nuclear-weapon States Parties to the NPT should be the NPT forum itself. Since it was through the membership of the NPT that the nuclear option was relinquished by the non-nuclear-weapon States. Nigeria is also of the view that the negotiations at the Committee on Disarmament may not easily yield the desired result in view of the attitude of the non-nuclear-weapon States not Parties to the NPT, which, while seeking guarantees, remain unwilling to renounce the nuclear options.

Current status

15. At the third session of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Preparatory Committee endorsed Nigeria's proposal, by consensus, for inclusion in the agenda of the Conference as item 13 B 3 under the title "Consideration of proposed agreement on the prohibition of use or threat of use of nculear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons - (Proposal by Nigeria)." In view of the obvious importance of the item, agreement was also reached that a sub-committee be set up under Main Committee I to study and examine the proposal in detail to facilitate its consideration and eventual adoption by the Review Conference.

16. Nigeria believes that the adoption of its proposal will contribute immensely to the strengthening of the NPT in particular and the non-proliferation régime in general. It will allay the anxiety of most non-nuclear-weapon States Parties to the NPT, whose confidence in the Treaty appears to be eroding, arising from their concern that foregoing nuclear option through their membership of the NPT may have placed them in permanent military disadvantage and made them vulnerable to nuclear intimidation. It will also provide further incentive to States not Parties, which hitherto remained outside the Treaty to now consider adhering to the NPT since it will be directly relevant to their security in the nuclear era.

17. Nigeria believes that it is in the interest of the NPT and the non-proliferation régime for the proposal to be adopted early.

18. In order to facilitate the work on the Nigerian project in the Sub-Committee of Main Committee I, the proposed draft agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, is attached hereto.

Proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
(proposal by Nigeria)

The States Parties to this Agreement,

Being also Parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature at London, Moscow and Washington on 1 July 1968 (hereinafter called "the Treaty"), have hereby accepted the following provisions:

Article I

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which does not belong to a military alliance and does not have other security arrangements providing for mutual defence with a nuclear-weapon State.

Article II

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which belongs to a military alliance, or has other security arrangements providing for mutual defence, with a nuclear-weapon State but has no nuclear weapons stationed on its territory. The non-nuclear-weapon State Party to the Treaty referred to in this article undertakes not to partake in, or contribute to, any military attack on any nuclear-weapon State Party to this Agreement, or its allies, Parties to the Treaty, except in self-defence, in accordance with the Charter of the United Nations.

Article III

1. This Agreement shall be signed and shall be subject to ratification, or may be acceded to, as if the provisions of article IX of the Treaty applied hereto.

2. This Agreement shall enter into force in respect of each State on the date of deposit of the instrument of ratification or accession of the State concerned.

3. The duration of this Agreement shall be the same as that of the Treaty and the provision regarding denunciation contained in article X, paragraph 1, of the Treaty shall be applicable to it.

Article IV

This Agreement, the English, Russian, French and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Agreement shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness WHEREOF the undersigned plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Agreement on behalf of their respective Governments.

Done in triplicate, at the cities of London, Moscow and Washington, the ..... day of ..... one thousand nine hundred and .....

Article VIII

(Text to be added.)

Article IX

1. The Conference, having expressed great satisfaction that the overwhelming majority of States have acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and having recognized the urgent need for further ensuring the universality of the Treaty, strongly appeals to all States, particularly the nuclear-weapon States and other States advanced in nuclear technology, which have not yet done so, to adhere to the Treaty at the earliest possible date.

2. In this connection, the Conference underlines the necessity, in order to facilitate universal adherence to the Treaty, of strict compliance by all existing Parties with their obligations under the Treaty.

3. The Conference considers that initiation of an informal dialogue between the States Party to the Treaty and States not Party to the Treaty would contribute to enhancing its universality and would encourage non-Parties to adhere to it.

Article X

(Text to be added.)

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Fourth Review Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/DC/1/Add.3(A)/Corr.1
19 September 1990

Original: ENGLISH

II.B. REVIEW OF THE OPERATION OF THE TREATY
AND RECOMMENDATIONS

Corrigendum

1. Page 2, paragraph 11, end of first line should read: "... the negotiation of their Subsidiary ...".

2. Page 3, paragraph 14, third sentence should read: "The Conference urges all States that have not done so to adhere to the Convention or other international instruments on physical protection of nuclear material at the earliest possible date."

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